THE HON'BLE SRI JUSTICE L.NARASIMHA REDDY

WRIT PETITION No.8874 OF 2007

Dt: 26.04.2007

Between:

M/s.SITCO (Swarnandhra IJMII Integrated Township Development Company) Private Limited.

… Petitioner

and

A.P.Housing Board.

… Respondent

THE HON'BLE SRI JUSTICE L.NARASIMHA REDDY

WRIT PETITION No.8874 of 2007

ORDER:

The petitioner is a Joint Venture Company with the participation of Andhra Pradesh Housing Board. Disputes arose between the parties herein. As part of the joint venture, a General Power of Attorney (GPA) was executed in favour of petitioner herein on 04.11.2003 by the respondent. Through its order, dated 02.04.2007, the respondent terminated the GPA. The same is challenged in this Writ Petition.

Heard Sri Vedula Venkataramana, learned counsel for the petitioner and Sri S.R.Ashok, learned Senior Counsel for the respondent.

It is not in dispute that there is an arbitration clause in the agreement between the petitioner and the respondent. The termination of GPA, in favour of the petitioner, certainly would constitute a cause of action for the petitioner to invoke the arbitration clause. Further, disputed questions of fact cannot be adjudicated in a writ petition.

Learned counsel for the petitioner submits that the interests of the petitioner may be protected till the arbitration is initiated.

It needs to be observed that Section 9 of the Arbitration and Conciliation Act, 1996, prescribes the procedure for interim arrangements, pending arbitration.

Hence, the Writ Petition is disposed of, leaving it open to the petitioner to work out its remedies in accordance with the said provision. There shall be no order as to costs.

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L.NARASIMHA REDDY, J.

Dt.26.04.2007

GJ